THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 3773 of 2007

27-02-2007

Between:-

N. Padmavathi

Petitioner

And

The District Collector (Civil Supplies),
Nizamabad, Nizamabad district and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.3773 of 2007

Oral order:

The writ petition is misconceived. It is directed against the order dated 27-01-2007 of the third respondent suspending the authorisation and dealership of the petitioner, a Fair Price Shop Dealer, in respect of Shop No.1, Nizamabad (Urban), Nizamabad mandal and district, pending finalisation of the case against her under Section 6-A of the Essential Commodities Act, 1955. The impugned order clearly records several violations of the conditions of authorisation under the Andhra Pradesh Public Distribution System (Control) Order, 2001. The petitioner's allegation/assertion is that the suspension is only on account of the proceedings initiated under Section 6-A of the Act and is therefore invalid. The order of

suspension has been issued for transgression of the conditions of authorisation and within the framework of the relevant Control Order.

The other contention of the petitioner is that the order of suspension is invalid because it is not preceded by any notice or opportunity. No principle or authority supports such a contention viz., that a suspension pending enquiry must be after a notice and opportunity.

For the aforesaid reasons, no grounds exist to interdict the impugned order of the third respondent dated 21-07-2007. There are no merits in the writ petition. Accordingly, the writ petition is dismissed, at the stage of admission after hearing the learned Government Pleader for Civil Supplies. No costs.

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GODA RAGHURAM, J

Dated:27-02-2007
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